THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6844 of 2006

06.04.2006

Between:

Aji Kumar M.S.

...Petitioner

Vs.

The State of A.P., rep. by the District Collector, Prakasam District, Head Quarters at Ongole, Prakasham District and another.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner claims to be in army service working in Transport Workshop Company, Electrical Mechanical Engineers in Udhampur District, Jammu & Kashmir. He filed the writ petition through his brother who claims himself to be a GPA holder. In this writ petition, the proceedings bearing No.RCA/163/2006, dated 18.02.2006 is assailed as illegal and arbitrary.

It is the case of the petitioner that he was assigned land admeasuring Acs.0.98 in survey No.212/6 situated in Pelluru village of Ongole Mandal, Prakasam District, by proceedings, dated 08.09.2004, by the Mandal Revenue Officer and the petitioner spent a sum of Rs.70,000/- for removing the bush growth and levelling the land. On 15.02.2006, a news item was published in 'Eenadu' telugu daily that the land admeasuring Acs.0.98 was sold and registered by a person with forged signature. Thereafter, the second respondent sent notice to the petitioner, which was received by the brother of the petitioner, the deponent of the affidavit. It is alleged that though the brother of the petitioner appeared before the Mandal Revenue Officer, no enquiry was conducted but the impugned order was passed cancelling the assignment.

After hearing the learned counsel for the petitioner, Mr.K.Rama Krishna and perusing the impugned order, this Court is convinced that the land admeasuring Acs.0.98 in survey No.212/6 came to be assigned to the petitioner but a detailed enquiry was conducted pursuant to the news item published in 'Eenadu' telugu daily revealed that a stranger claiming himself to be the petitioner sold away the land and under registered deed to Gangula Koteswara and that on the date of registration, the petitioner was on duty in Jammu & Kashmir, i.e.,

13.07.2005. In that view of the matter, the impugned order is certainly in any manner affect the right of the petitioner to the land if really the land was assigned. When the land was assigned to the petitioner, a stranger sold away the land and therefore, the Mandal Revenue Officer was justified in conducting enquiry and cancelling the assignment. If so advised, the petitioner may again approach the Mandal Revenue Officer personally for allotment of suitable land.

The writ petition, with the above observations, is dismissed. No costs.

(V.V.S.RAO,J)

06.04.2006
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